

McGREGOR W. SCOTT
United States Attorney
LAUREL D. WHITE
Assistant U.S. Attorney
501 I Street, 10th Floor
Sacramento, California 95814
Telephone: (916) 554-2780

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

| | | |
|---------------------------|---|--------------------------------|
| UNITED STATES OF AMERICA, |) | CR. S--05-032-DFL |
| |) | CR. S-01-108-DFL |
| Plaintiff, |) | |
| v. |) | GOVERNMENT'S EXPARTE MOTION TO |
| |) | DISCLOSE GRAND JURY TESTIMONY |
| MICHAEL STEPHEN DAHL, |) | TO DEFENDANT AND COURT; |
| |) | PROPOSED ORDER. |
| Defendant. |) | |
| |) | DATE: September 1, 2005 |
| |) | TIME: 10 a.m. |
| |) | JUDGE: David F. Levi |

The government hereby respectfully requests that this court order the limited disclosure of grand jury testimony to be used at the sentencing hearing of Michael Dahl. The purpose of the testimony is to demonstrate that Dahl's victim sustained extreme psychological injury and to support the imposition of a 4-level enhancement to defendant's offense level pursuant to U.S.S.G. § 2A3.1(b)(1). Accordingly, the government respectfully requests that this court order the limited disclosure of the victim's grand jury testimony so that it may be provided to the defense counsel, the probation officer, and this court, prior to the sentencing hearing.

///

1 Pursuant to 18 U.S.C. § 3509(d)(1) all employees of the
2 government connected with a case involving a minor victim...,
3 employees of the court and the defendant and employees of the
4 defendant, including the attorney for the defendant and persons
5 hired by the defendant to provide assistance in the proceeding,
6 **shall** keep all documents that disclose the name or any other
7 information concerning a child in a secure place to which no
8 person who does not have reason to know their contents has
9 access. Accordingly, as the grand jury testimony reveals the
10 name of the victim and other information concerning that minor
11 victim, any parties having access to such information shall
12 maintain it in a secure location.

13 Date: June 15, 2005

Respectfully submitted,

14 MCGREGOR W. SCOTT
15 United States Attorney

16 By _____
17 LAUREL D. WHITE
18 Assistant U.S. Attorney
19
20
21
22
23
24
25
26
27
28

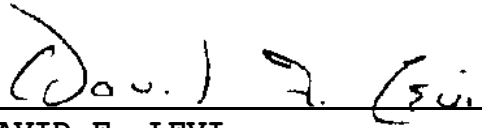
ORDER

____ Upon Application of the United States of America and good cause having been shown,

IT IS HEREBY ORDERED that the transcript of the Grand Jury testimony of the minor victim in the above-entitled case may be disclosed to the defendant counsel, the probation officer, and the court. All parties shall keep all documents that disclose the name or any other information concerning the minor victim in a secure place to which no person who does not have reason to know their contents has access.

IT IS SO ORDERED.

Dated: 6/17/2005



DAVID F. LEVI
United States District Judge